

Full Name/Prisoner Number

→ 26 MC GREGOR RANGE ROAD CHAPARRAL, NM 88081

381 FARMINGTON AVE Apt 202D HARTFORD, CT 06105  
Complete Mailing Address

**FILED**

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO JAN 15 2010

MATTHEW J. DYKMAN

Civil Action No. CLERK

(To be supplied by the Court)

10cv44-JH/LFG

SIDI OTHMAN NACIRI MAJD (IMMIGRATION DETAINEE)

A # 047399270

Full name(s) and prisoner number(s)

(Do not use *et al.*)

, Plaintiff(s),

v.

MTC, OTERO COUNTY PROCESSING CENTER

WARDENS: TERRY & FRAWNER

, Defendant(s).

(Do not use *et al.*)

## PRISONER'S CIVIL RIGHTS COMPLAINT

### A. PARTIES AND JURISDICTION

1. SIDI OTHMAN NACIRI MAJD is a citizen of Morocco who  
(Plaintiff) (State)

presently resides at 26 MC GREGOR RANGE RD CHAPARRAL, NM 88081  
(mailing address or place of confinement)

2. Defendant TERRY is a citizen of unknown  
(name of first defendant) (State)

whose address is 26 MC GREGOR RANGE RD CHAPARRAL, NM 88081

and who is employed as WARDEN OF MTC's At the time the claim(s)  
OTERO COUNTY PROCESSING CTR

C. CAUSE OF ACTION

I allege that the following of my constitutional rights, privileges, or immunities have been violated and that the following facts form the basis of my allegations: (If more space is needed to explain any allegation or to list additional supporting facts, continue on a blank sheet which you should label "D. CAUSE OF ACTION.")

Claim I:

I was searched illegally by M.T.C STAFF who told me and my fellow detainees to take all our clothes off and face the walls in an atmosphere of yelling, humiliating and screaming in our faces.

Supporting Facts: (Include all facts you consider important, including names of persons involved, places, and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

All M.T.C STAFF was present when we were told (as detainees in the 6 claim) to strip naked and face the wall. All officers were yelling and screaming at us and a correctional officer, Pineda was yelling telling us to lift our feet up while facing the walls while 20 to 30 other officers including (lieutenants, sergeants, correctional officers in the presence of Warden Terry on this day of 4-09-09

Claim II:

I am a Muslim and there is a big Muslim community here in this facility and we are never served "HALAL food" which is mandatory in our religion but the Jewish community is always served "Kosher" and our food is always served cold and our Friday service is always

Supporting Facts:

interrupted on purpose all the time while we are praying by officers.

- Officers always interrupt our religious service on Fridays purposely in the pretext that they need to ~~records~~ do records always. They put our religious leader in solitary confinement for 30 days twice for complaining about this issue.

- Our food (special diet) is always cold and we never get "HALAL" as our religion dictates and requires us to have while the Jewish community gets their "Kosher".

- The bathrooms and the showers are wide open with no privacy measures available to us. We Muslims have to have our privacy in the shower and bathrooms. No such thing is provided to us in the dorms. We have to deal with detainees taking showers naked and masturbating in front of us naked everyday.

alleged in this complaint arose, was this defendant acting under color of state law?

☒ Yes ☐ No. If your answer is "Yes," briefly explain:

My Religious Rights ~~are~~ were violated and I was strip

searched against my will in a violating manner and tortured one.

3. Defendant WARDEN FRANKER is a citizen of unknown  
(name of second defendant) (State)

whose address is 26 MC GREGOR RANGE RD, CHAPARRAL, NM 88081

and who is employed as WARDEN ASSISTANT. At the time the claim(s)  
(title and place of employment)

alleged in this complaint arose, was this defendant acting under color of state law?

☒ Yes ☐ No. If your answer is "Yes," briefly explain:

My Religious Rights were violated and I was strip.

searched against my will in a violating manner and tortured.

(If more space is needed to furnish the above information for additional defendants, continue on a blank sheet which you should label "A. PARTIES." Be sure to include each defendant's complete address and title.)

(CHECK ONE OR BOTH:)

☒ Jurisdiction is asserted pursuant to 42 U.S.C. § 1983 (for state defendants) or *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 (for federal defendants).

☐ Jurisdiction also is invoked pursuant to 28 U.S.C. § 1343(a)(3). (If you wish to assert jurisdiction under different or additional statutes, you may list them below.)

## B. NATURE OF THE CASE

BRIEFLY state the background of your case.

On 04-08-09, me and my fellow detainees in CHARLEY 6 JORM were illegally strip-searched (which was not a routine), in an atmosphere of yelling, screaming, humiliation and torture (the A.C. was turned on on full blast while ~~we~~ moved). <sup>2</sup> plus my religious rights were violated on numerous basis.

I was stripped, searched as well and yelled at and intimidated by female officers while half naked which is against my religion. There was no routine search it was pure intimidation.

WARDEN'S TERRY and FLOWNER file in that special  
 diet meals are not supposed to be served hot and that food items  
 are not to be cooked. and that we choose our religion and that  
 is the aftermath of that. and HALAL is not necessary.

Supporting Facts:

I and my fellow detainees complained about the special diet food  
 being served cold all the time. warden terry and Frowner on 7.7.09  
 wrote us back that according to I.C.e/N.D.S standards the need to cook items  
 is not required per se. and that we choose our religion.

#### D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment? Yes ☒ No. If your answer is "Yes," describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits using this same format on a blank sheet which you should label "E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF.")

a. Parties to previous lawsuit:

Plaintiff(s): N/A

Defendant(s): N/A

b. Name and location of court and docket number N/A

c. Disposition of lawsuit. (For example, was the case dismissed? Was it appealed? Is it still pending?)

N/A

d. Issues raised: N/A

e. Approximate date of filing lawsuit: N/A

f. Approximate date of disposition: N/A

2. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part D. Yes ☒ No.

If your answer is "Yes," briefly describe how relief was sought and the results.

## B. NATURE OF THE CASE: (CONTINUED)

## CLAIM IV

I was Harassed on numerous occasions by officers: ORDERING me not to pray in the corner of the DORM. Officer Butler yelled at me by saying "You can't pray after 10:30" I am a muslim. I have to perform prayer 5 times a day and the night prayer is very important, Sergeant Stickel then come into the dorm and took me out and gave me a talking to about not praying after 10:30 pm and that these were direct orders of Captain Ruiz who was formerly just a sergeant at the time I was brought to this facility in March of 2009.

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3. I have exhausted available administrative remedies. ☒ Yes ☐ No. If you answer "Yes," briefly explain the steps taken. Attach proof of exhaustion. If your answer is "No," briefly explain why administrative remedies were not exhausted.

I have complained, written the Captain, Chaplain himself and wardens, complaints but in VAIN.

#### E. PREVIOUSLY DISMISSED ACTIONS OR APPEALS

1. If you are proceeding under 28 U.S.C. § 1915, please list each civil action or appeal you have brought in a court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Please describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a blank sheet which you should label "F. PREVIOUSLY DISMISSED ACTIONS OR APPEALS."

a. Parties to previous lawsuit:

Plaintiff(s): N/A

Defendant(s): N/A

b. Name and location of court and docket number N/A

c. Grounds for dismissal: ( ) frivolous ( ) malicious ( ) failure to state a claim upon which relief may be granted. N/A

d. Approximate date of filing lawsuit: N/A

e. Approximate date of disposition: N/A

2. Are you in imminent danger of serious physical injury? ☐ Yes ☒ No. If your answer is "Yes," please describe the facts in detail below without citing legal authority or argument.

I request the following relief:

I Request that a monetary sum of 30,000,000 \$ be paid to me or my family in case of my demise.

Prisoner's Original Signature

Prisoner's full address and telephone

Attorney's full address and telephone

### DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at 26 MC GREGOR BLVD Chaparral, on 08-15-09  
(location) NM 88081 (date)

John A. Smith  
Prisoner's Original Signature

incurred by me as a result of being granted leave to proceed in forma pauperis.

- (6) My assets and their value are listed below:  
(Assets may include income from employment, rent payments, interest or dividends, pensions, annuities, life insurance payments, Social Security, Veteran's Administration benefits, disability pensions, Worker's Compensation, unemployment benefits, gifts or inheritances, cash, funds in bank accounts, funds in prison accounts, real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing), or any other source of income.)

You may attach an additional page, if necessary.

N/A

REQUIRED CERTIFICATION: You must attach to this motion and affidavit a certified copy of your trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of this action. You must obtain the certified copy of your trust fund account statement (or institutional equivalent) from the appropriate official of each penal institution at which you are or were confined during the six-month period.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at 26 Mc Gowan Prison RI on 08/15/09  
(location) ch. 300. 11.11.11 (date)  
88081

  
Prisoner's Original Signature

SIDI OTHMAN NACIRI MAID

Name

26 MC GREGOR RANGE RDCHAPARRAL, NM 88081

Address

C6 - BUNK 15UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICOSIDI OTHMAN NACIRI

(Full Name)

, Plaintiff

CASE NO. \_\_\_\_\_

(To be supplied by the Clerk)

v.

WARDEN TERRY  
& WARDEN FRAWNER

, Defendant(s)

CIVIL RIGHTS COMPLAINT  
PURSUANT TO 42 U.S.C. §1983MTC OTERO COUNTY PROCESSING CTR

## A. JURISDICTION

1) SIDI OTHMAN NACIRI, is a citizen of MOROCCO  
(Plaintiff) (State)who presently resides at 26 MC GREGOR RANGE RD CHAPARRAL,  
(Mailing address or place of confinement)NM 880812) Defendant WARDEN FRAWNER is a citizen of \_\_\_\_\_  
(Name of first defendant)unknown

(City, State)

, and is employed as

Assistant WARDEN of OTERO COUNTY PROCESSING CTR At the time the claim(s)  
(Position and title, if any)

alleged in this complaint arose, was this defendant acting under color of state law?

Yes ☒No ☐

If your answer is "Yes", briefly explain:

Illegally strip-searched me and violated my religious rights.

XE-2 2/78

CIVIL RIGHTS COMPLAINT (42 U.S.C. §1983)

- 3) Defendant WARDEN TERRY is a citizen of  
 (Name of second defendant)  
Unknown, and is employed as  
 (City, State)  
WARDEN AT OKLAHOMA COUNTY PROCESSING CTR. At the time the claim(s)  
 (Position and title, if any)

alleged in this complaint arose, was this defendant acting under color of state.

Yes ☒ No ☐ If your answer is "Yes", briefly explain:

*They illegally strip-searched me and my fellow detainees in C6 dorm  
 and violated my religious rights in Oklahoma processing center*

(Use the back of this page to furnish the above information for additional defendants.)

- 4) Jurisdiction is invoked pursuant to 28 U.S.C. §1343(3), 42 U.S.C. §1983. (If you wish to assert Jurisdiction under different or additional statutes, you may list them below.)

## B. NATURE OF THE CASE

- 1) Briefly state the background of your case.

*On 04-08-09, me and my fellow detainees in CHARLEY 6  
 DORM were illegally strip-searched (which was not a routine search)  
 in an atmosphere of yelling, screaming, humiliation and torture  
 (the A-C was turned on on full blast while we were naked) plus,  
 my religious rights were violated on numerous basis.*

- 1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.

A)(1) Count I: I was searched illegally by M.T.C Staff who told me and my fellow detainees to take all our clothes off and face the walls in an atmosphere of yelling, humiliation and screaming in our faces.

(2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

All M.T.C Staff was present at the time of the incident we US detainees were told to strip naked down to our underwear while all officers were yelling and screaming at us and correctional officer pineda was yelling telling us to lift up our feet while facing the walls. 20 to 30 officers including (lieutenants, sergeants, correctional officers and trainees in the awareness of Warden Terry on this day of 04-15-09

B)(1) Count II:

I am a Muslim among a considerable muslim community here in this facility and we are never served "HALAL food" which is mandatory in our religion while the jewish community is always served "Kosher" and our food is always served cold.

(2) Supporting Facts: Our (special diet food) is always served cold and we never get "HALAL" as our muslim religion requires us while the jewish community is always provided "Kosher meals" on daily basis.

WARDENS TERRY and FRAWNER claim that special diet meals are not supposed to be served hot and that food items are not to be cooked. And that we choose our religion and that is the aftermath of that. And that HALAL is not necessary.

(2) Supporting Facts: I and my fellow detainees complained about the special diet food being served cold all the time. WARDENS TERRY and FRAWNER on 7-7-09 wrote us back that according to I.C.E./N.D.S. standards the and that the need to cook items is not required per se, and that we choose our religion.

D) PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?  
 Yes ☐ No ☒ If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

a) Parties to previous lawsuit.

Plaintiffs: N/A  
 Defendants: N/A

b) Name of court and docket number:

N/A

c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

d) Issues raised: N/A

e) Approximate date of filing lawsuit: N/A

f) Approximate date of disposition: N/A

- 2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. Yes ☐ No ☒ If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No," briefly explain why administrative relief was not sought.

E. REQUEST FOR RELIEF

- 1) I believe that I am entitled to the following relief: A monetary sum of \$30,000,000 be paid to or my family in case of my demise

\_\_\_\_\_  
Signature of Attorney (if any)

Amor Noida  
Signature of Petitioner

Attorney's full address and telephone number.

N/A

Certificate of service

(Plaintiff)

Sidi OTHMANNACIRI

A# 047-399-270

Otero County Processing Center

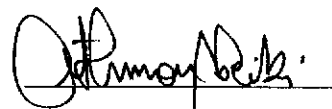
26 Mc Gregor Range Rd, Chaparral, NM, 88081

I hereby certify that a copy of the forgoing pleading/ document was mailed  
to WARDENS: A. W. FRAWNER AND TERRY (MTC OTERO PROCESSING  
CENTER) at

26 MC GREGOR RANGE ROAD CHAPARRAL, NM 88081

(opposing party or counsel) \_\_\_\_\_ on

\_\_\_\_\_ 2009



(Signature)

## Otero County Processing Center

## Detainee Request To Staff Member

Petition de el Detenido al Miembro de Personal

Detainee Name/Nombre: Salvador M. MartinezAlien Number/Numero de Extranjero: 7Date/Fecha: 9/10/09Unit/Unidad: Request/Petition: The law firm is requesting that the detainee be released from custody.

If more space is needed to complete your request, please use the reverse side of this form. All requests will be addressed by priority.  
 Si es necesario mas espacio para completar su peticion, por favor use el lado reverso de esta forma. Todas las peticiones seran dirigidas por prioridad.

Staff Comments (Comentarios de el Personal):

We are making arrangements for special meals on Fridays and at the aid of ELC 9/10/09

Property Officer: Date received: Date filed:

Chaplain.

Otero County Processing Center

Detainee Request To Staff Member

Peticion de el Detenido al Miembro de Personal

Detainee Name/Nombre: Officer Nacifi Date/Fecha: 11/22/09  
Alien Number/Numero de Extranjero: A 047399270 Unit/Unidad: C6-15

Request/Peticion: SIR Special diets and special ceremonial meals will be provided for detainees whose religious beliefs require the adherence to religious dietary laws. And Sir our religion of Islam clearly states and requires us to eat Halal food and please be a Muslim person in the mosque of Allah and please be a Muslim person before consumed before Muslim. I have never seen Halal food being served in this facility. Every the Jews only get kosher food. Times a week that is an institutional and against ICE detention standard. If more space is needed to complete your request, please use the reverse side of this form. All requests will be addressed by priority.

Si es necesario mas espacio para completar su peticion, por favor use el lado reverso de esta forma. Todas las peticiones seran dirigidos por prioridad.

Staff Comments (Comentarios de el Personal):

The facility goes by the DHS INS Standard.

Property Officer: Date received: 25 Nov

Date filed: 30 Nov 09

Would you please bring into the attention of whomever is in charge -> (CS) Cook supervisor and Cook foremen (CF). No other facility does this.

CHAPLAIN BERRY

## Detainee Request To Staff Member

Petición de el Detenido al Miembro de Personal

Detainee Name/Nombre: SIDI OTHMAN NASIRIDate/Fecha: 6/8/09Alien Number/Numero de Extranjero: A047399270Unit/Unidad: C6-15

Request/Petition:

CAN we please do something about the religious  
meal situation for muslims. Every other facility has HALL  
food for muslims. And we don't really be on the same diet  
fish and tuna for the whole 6 months I've been here  
and more.

If more space is needed to complete your request, please use the reverse side of this form. All requests will be addressed by priority.  
Si es necesario mas espacio para completar su petición, por favor use el lado reverso de esta forma. Todas las peticiones serán dirigidas por prioridad.

Staff Comments (Comentarios de el Personal):

1. For only muslims to eat fish and tuna for 6 months.

Property Officer: Date received:

Date filed:

captain / captain

**Otero County Processing Center**  
**Detainee Request To Staff Member**

## Peticion de el Detenido al Miembro de Personal

Detainee Name/Nombre: CHEN, YU Date/Fecha: 11-29-2011  
 Alien Number/Numero de Extranjero: 123456789 Unit/Unidad: 101

**Request/Petition:**

1. "The Great Wall of China" - a long wall built by the Chinese to protect their land from invasions.

*If more space is needed to complete your request, please use the reverse side of this form. All requests will be addressed by priority.*

*Si es necesario mas espacio para completar su peticion, por favor use el lado reverse de esta forma. Todas las peticiones seran dirigidas por prioridad.*

**Staff Comments (Commentarios de el Personal):**

You are taking a religious diet

Property Officer: Date received: 9 Nov 09 Date filed: 9 Nov 09

with the exception of the following

WARDEN T. R. P.

Otero County Processing Center  
Detainee Request To Staff Member

Peticion de el Detenido al Miembro de Personal

Detainee Name/Nombre: ANNA R. R. Date/Fecha: 7/26/09

Alien Number/Numero de Extranjero: 123456789 Unit/Unidad: C-10-15

Request/Peticion: I am requesting to be released from the center.

I am requesting to be released from the center.

I am requesting to be released from the center.

I am requesting to be released from the center.

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I am requesting to be released from the center.

If more space is needed to complete your request, please use the reverse side of this form. All requests will be addressed by priority.  
Si es necesario más espacio para completar su peticion, por favor use el lado reverso de esta forma. Todas las peticiones seran dirigidas por prioridad.

Staff Comments (Comentarios de el Personal):

Personnel here is not required to be released according to the standards. The actual regular meet the requirements for release to be on the common law test. It meets the MS standards.

Person's Name/Nombre Detenido:

7/8/09

[Signature]

SIDI OTHMAN NACIRI  
A# 047399270  
26 MC GREGOR RANGE RD  
CHAPARRAL, NM 88081



7007 2680 0002 2744 0623

United States District

Court

District of New Mexico

OFFICE OF THE CLERK

Pete V. DOMENICI UNITED

States Court House

333 LOMAS BLVD. N.W.

Suite 270

ALBUQUERQUE, NEW MEXICO,  
87102

RECEIVED  
At Albuquerque NM

JAN 15 2010

MATTHEW J. DYKMAN  
Clerk